

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

**CANDACE MILAM DREW, INDIVIDUALLY
AND AS ADMINISTRATOR OF THE ESTATE
OF JAMES VINCENT GULLETT, DECEASED**

PLAINTIFF

VS.

CIVIL ACTION NO: 3:21-CV-00194-MPM-RP

TIPPAH COUNTY, ET AL.

DEFENDANTS

NOTICE OF INTENT TO SERVE SUBPOENA DUCES TECUM

NOTICE is hereby given that Defendant the Walnut Police Department¹ by and through counsel, intends to have a Subpoena *Duces Tecum* issued and served upon the following entity:

Baptist Memorial Hospital East
ATTN: Custodian of Medical Records
6019 Walnut Grove Road
Memphis, TN 38120

A copy of the Subpoena *Duces Tecum* is attached as Exhibit “A.” The Subpoena *Duces Tecum* requires the said entity to produce copies of certain documents and materials on or before June 9, 2022.

Dated: May 26, 2022.

¹ Though Plaintiff’s Complaint names the “Walnut Police Department” as a Defendant, it is well established that a police department simply is a department within a city and cannot be sued separately. *See Darby v. Pasadena Police Depart.*, 939 F.2d 311, 314 (5th Cir. 1991). Thus, the proper party in interest is the City of Walnut, Mississippi.

PHELPS DUNBAR, LLP

BY: *s/ Jason T. Marsh*

G. Todd Butler, MB #102907
Jason T. Marsh, MB #102986
4270 I-55 North
Jackson, Mississippi 39211-6391
Post Office Box 16114
Jackson, Mississippi 39236-6114
Telephone: 601-352-2300
Telecopier: 601-360-9777
Email: butlert@phelps.com
marshj@phelps.com

**ATTORNEYS FOR DEFENDANT
WALNUT POLICE DEPARTMENT**

CERTIFICATE OF SERVICE

I, Jason T. Marsh, do hereby certify on this day, I filed the foregoing NOTICE using the Court's CM/ECF system, which sent notification to all counsel of record in this matter.

This the 26th day of May, 2022.

s/ Jason T. Marsh

Jason T. Marsh